

No. 20
STATE OF MICHIGAN
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REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, March 3, 2011.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—excused
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—excused
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Senator John J. Gleason of the 27th District offered the following invocation:

I would like to begin with the word of the Lord: “Now a word was brought to me stealthily, and my ear received a whisper of it. Amid disquieting thoughts from the visions of the night, when deep sleep falls on men, dread came upon me, and trembling, which made all my bones shake. A spirit glided past my face; the hair of my head stood still, but I could not discern its appearance; a form was before my eyes; there was silence, and I heard a voice: Can mortal man be righteous before God? Can a man be pure before his maker?”

We are gathered here on this day to listen and act on behalf of the words of our Lord. Let us make every consideration on behalf of those who don’t have the abilities or the opportunities we do in our service to You. Let us always take full consideration of the disabled, those who don’t have the benefits of a full and wholesome life, and those who are hindered by the decisions of others. Let us be on the side of those who need our help.

In this time of spring, let us rejoice in our opportunities. Let us begin anew and have a full commitment to You, Lord, and all that You ask us to do on Your behalf. Let us always remember that the work we do here on earth is because of the opportunities that You have bestowed upon us. Though we are 38 Senators, let us always remember in the final analysis, with Your blessing, we are one.

At this time of sorrow, we would like to give full consideration and condolences to the Casperson family on their loss. Fully understanding that it has been a few weeks, we ask that You give consideration and condolences also to the Daley family for the recent loss of their son.

Our decisions, Lord, should not be political, nor should they be self-serving. These opportunities that You give us are limited, but the opportunities are greater than that. So we ask You on this fine day and we say thank You for this further chance. Thank You for all of the opportunities that we are given not only as elected officials, but as citizens of this great state.

We ask all of this, with great generosity for these opportunities, in Your holy name. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Pavlov, Hansen and Richardville entered the Senate Chamber.

The following communication was received and read:

Office of the Auditor General

March 1, 2011

Enclosed is a copy of the following management letter:

Management letter related to our audit of the financial statements of the State Sponsored Group Insurance Fund as of and for the fiscal year ended September 30, 2010.

Auditor General

The management letter was referred to the Committee on Government Operations.

The following communication was received:

Department of State Police

February 22, 2011

I am pleased to submit the 2009-2010 Concealed Pistol License Annual Report as required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2009, and June 30, 2010.

The revised laws regarding concealed pistol licensure went into effect on July 1, 2001. Below is a summary of the activity since that date:

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
2008-2009	73,105	66,446	1,292
2009-2010	90,808	86,661	1,005

If you have any questions regarding the information in this report, please feel free to contact the Michigan State Police, Firearms Records Unit at (517) 241-1917.

Sincerely,
 Kriste Etue
 Director

The communication was referred to the Secretary for record.

The following communication was received:
 Wayne County Airport Authority

February 28, 2011

Please find enclosed a copy of our 2010 Audited Financial Statements per the requirements of Public Act 90 of 2002. If you have any questions, please contact me at (734) 247-6775.

Sincerely,
 Marge Basrai, CPA
 Controller

The communication was referred to the Secretary for record.

Senator Meekhof moved that Senator Kahn be temporarily excused from today's session.
 The motion prevailed.

Senator Meekhof moved that Senator Casperson be excused from today's session.
 The motion prevailed.

Senator Hunter moved that Senator Johnson be excused from today's session.
 The motion prevailed.

Senator Meekhof moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 98

The motion prevailed, a majority of the members serving voting therefor.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, March 2:
House Bill No. 4113

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, March 2, and are available at the legislative website:

Senate Bill Nos.	204	205	206	207															
Senate Joint Resolution		H																	
House Bill Nos.	4346	4347	4348	4349	4350	4351	4352	4353	4354	4355	4356	4357	4358	4359					
	4360	4361	4362																
House Joint Resolutions		M	N																

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Kahn entered the Senate Chamber.

The following bill was read a third time:
Senate Bill No. 141, entitled

A bill to authorize the department of natural resources to accept and convey certain real property in Gladwin county; to prescribe certain conditions for the acceptance and conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 27**Yeas—36**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Caswell	Hopgood	Moolenaar	Smith
Colbeck	Hune	Nofs	Walker
Emmons	Hunter	Pappageorge	Warren
Gleason	Jansen	Pavlov	Whitmer
Green	Jones	Proos	Young

Nays—0**Excused—2**

Casperson Johnson

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senator Meekhof moved to reconsider the vote by which the bill was passed.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 28**Yeas—36**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Caswell	Hopgood	Moolenaar	Smith
Colbeck	Hune	Nofs	Walker
Emmons	Hunter	Pappageorge	Warren
Gleason	Jansen	Pavlov	Whitmer
Green	Jones	Proos	Young

Nays—0**Excused—2**

Casperson Johnson

Not Voting—0

In The Chair: Schuitmaker

General Orders

Senator Meekhof moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Hopgood as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 98, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2882a. The bill was placed on the order of Third Reading of Bills.

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 20

The resolution consent calendar was adopted.

Senator Hune offered the following resolution:

Senate Resolution No. 20.

A resolution proclaiming March 6-12, 2011, as School Social Work Week.

Whereas, Children require a safe and supportive environment in which to learn the skills necessary to become productive members of society at large; and

Whereas, Children are diverse in their ethnicity, culture, ability, and needs, but they intrinsically have the ability to succeed; and

Whereas, School social workers provide assistance utilizing a framework addressing variations in development and learning, as well as influences of home, school, and community; and

Whereas, School social workers provide consultation, collaboration, and advisement services to students, their family members, and school staff regarding students' social, emotional, and behavioral status impacting learning, development, mental health, and school success; and

Whereas, School social workers, who constitute the 825 members of the Michigan Association of School Social Workers and are among the 7,000 members of the Michigan Chapter of the National Association of Social Workers, are trained to provide leadership, advocacy, and collaboration to promote overall academic success. The services they provide strengthen home, school and community partnerships, and eliminate barriers to learning; and

Whereas, School social work is a specialized area of practice within the broad field of the clinical social work profession as licensed by the state of Michigan; and

Whereas, The school social worker is an essential team member who can provide leadership in the development of positive behavioral supports critical to students' academic success; and

Whereas, The Michigan Association of School Social Workers and the Michigan Chapter of the National Association of Social Workers have provided the Legislature their expertise in determining policies regarding welfare, safety, and success of students in Michigan's schools on issues that have included special education, prevention of bullying, and school violence; now, therefore, be it

Resolved by the Senate, That March 6-12, 2011, be hereby proclaimed as School Social Work Week in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Social Workers and the Michigan Chapter of the National Association of Social Workers as a token of our esteem.

Senators Anderson, Booher, Brandenburg, Hopgood, Kowall, Pappageorge and Proos were named co-sponsors of the resolution.

Senate Resolution No. 7.

A resolution to express support for the Attorney General's efforts to accelerate federal government efforts to devise a plan to prevent Asian carp from invading the Great Lakes and to call on the Snyder Administration and the Obama Administration to take all necessary actions to prevent the invasion.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senator Walker asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Walker's statement is as follows:

It is reported that the Asian carp consume up to 40 percent of their body weight in phytoplankton each day, thereby outcompeting with the native fish population for food. We all agree this is a great problem. A recent study indicates that invasive species costs an excess of \$200 million to our sport fisheries, manufacturing sector, and municipalities. The advance of the Asian carp in the Mississippi River has been troubling.

Although there has been some action to try to prevent the carp from entering Lake Michigan, these efforts have been futile, and there has been little to no support from the federal government. Former Attorney General Mike Cox led an effort to force closure in the locks in the Chicago shipping canal for the purpose of closing off the hydrologic path to Lake Michigan. Unfortunately, those efforts have not been successful as of now. One of Attorney General Bill Schuette's first actions after his inauguration was to announce the continuation of those efforts to stop the Asian carp.

This Senate resolution is an affirmation of his efforts and the efforts of the Governor's administration. It states the Senate's displeasure with the inadequate response of the federal government, and it expresses our support of any action to prevent this invasion

The time to act is now, and every moment lost is time for the Asian carp to gain a foothold in the Great Lakes. I appreciate your support.

Senator Richardville offered the following concurrent resolution:

Senate Concurrent Resolution No. 12.

A concurrent resolution of tribute offered as a memorial for James Damman, former Lieutenant Governor and former member of the House of Representatives.

Whereas, It is with great respect for his contributions to our state as a businessman, legislator, and Lieutenant Governor that we honor the memory of James Damman. We also offer our sincere condolences to his family and wish them to know of the gratitude that his home state has for his distinguished public service; and

Whereas, A native of Grosse Pointe Park, a graduate of the University of Detroit, and a veteran of service with the United States Army, James Damman was a successful businessman prior to turning his skills and energies to the civic arena in the Troy community. In addition to his involvement with various organizations, he served on the Troy City Council. In 1971, he brought his business savvy and commitment to others to Lansing for the first of his two terms in the House of Representatives; and

Whereas, A member of the House Appropriations Committee for 1973-74, James Damman was recognized for his knowledge and effectiveness, and in 1975, he was elected as Michigan's Lieutenant Governor, serving with Governor William Milliken. In this responsibility, his notable leadership included working on such key issues as taxation reform, substance abuse, and equal employment opportunity in our state; and

Whereas, Jim Damman's concern for others and his penchant for leadership continued to mark his life long after he left elective office. Following achievements in real estate, he founded a successful technology company in Texas and remained active in charitable groups. Clearly, this talented and devoted family man touched the lives of many over the years who remain forever grateful for the gifts he shared; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of James Damman, Michigan's Lieutenant Governor from 1975 to 1978 and a member of the Michigan House of Representatives from 1971 to 1974; and be it further

Resolved, That copies of this resolution be transmitted to the Damman family as evidence of our lasting esteem for his memory.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Meekhof moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The concurrent resolution was adopted by a unanimous standing vote of the Senate.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

The motion prevailed, a majority of the members serving voting therefor.

A moment of silence was observed in memory of James Damman, former Lieutenant Governor and former member of the House of Representatives.

House Concurrent Resolution No. 4.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste.

Whereas, Nuclear power has been, and likely will continue to be, a significant source for the nation's electricity. There are 104 operating nuclear power reactors in the United States, providing about a fifth of the nation's electricity generation. Nuclear power provided 21.5 percent of the electricity generated in Michigan in 2009. Many electricity markets across the nation are, or will soon be, in need of new baseload generating capacity. Nuclear power provides large amounts of reliable, emission-free electricity at stable prices. Many policymakers recognize the need to construct new nuclear power plants; and

Whereas, In order to realize the many benefits of nuclear power, the nation must address the issue of high-level nuclear waste. Currently, approximately 60,000 metric tons of spent nuclear fuel are stored in pools or casks at temporary sites around the country, including in Michigan. More nuclear waste is generated every day; and

Whereas, In 2002, Congress and President Bush approved Yucca Mountain in Nevada as the site of a federal geologic repository for spent nuclear fuel and high-level radioactive defense waste. In 2008, the Nuclear Regulatory Commission (NRC) accepted an application by the Department of Energy (DOE) to construct and operate the Yucca Mountain repository. The application is currently under technical review by the NRC; and

Whereas, The establishment of a national repository is more than ten years overdue. Under the Nuclear Waste Policy Act of 1982, the DOE was supposed to begin accepting and storing the nation's nuclear waste by January 31, 1998. Electric rate payers in Michigan and across the country have paid billions into the nuclear waste fund, which the DOE is supposed to use to open the repository; and

Whereas, The construction of new nuclear power plants, which are needed to provide clean and reliable baseload power, is being hampered by the unresolved issue of spent nuclear fuel. The NRC must work diligently to move the Yucca Mountain approval process along. The DOE must begin constructing and operating Yucca Mountain, and begin accepting nuclear waste, without further delay; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Meekhof moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Energy and Technology.

The motion prevailed.

Senators Hansen, Jones, Kowall and Proos were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Young introduced

Senate Bill No. 222, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 435.

The bill was read a first and second time by title and referred to the Committee on Education.

Senators Kowall, Young, Emmons, Bieda, Hunter and Brandenburg introduced

Senate Bill No. 223, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending sections 2 and 8 (MCL 207.842 and 207.848), as amended by 2008 PA 500.

The bill was read a first and second time by title and referred to the Committee on Economic Development.

Senator Kowall introduced

Senate Bill No. 224, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 3 (MCL 46.403).

The bill was read a first and second time by title and referred to the Committee on Local Government and Elections.

Senators Kowall, Proos, Brandenburg and Nofs introduced

Senate Bill No. 225, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 105 and 121 (MCL 389.105 and 389.121), section 105 as amended by 2003 PA 306 and section 121 as amended by 1997 PA 135.

The bill was read a first and second time by title and referred to the Committee on Education.

Senators Jansen, Emmons, Booher, Nofs, Rocca, Proos, Robertson, Pappageorge, Marleau, Hune, Gregory, Young and Hildenbrand introduced

Senate Bill No. 226, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Gregory, Emmons, Jansen, Booher, Nofs, Rocca, Proos, Robertson, Pappageorge, Marleau, Young and Hildenbrand introduced

Senate Bill No. 227, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7k.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Emmons, Jansen, Booher, Nofs, Proos, Robertson, Pappageorge, Marleau, Hune, Gregory, Young and Hildenbrand introduced

Senate Bill No. 228, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2008 PA 300.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Nofs, Emmons, Jansen, Booher, Rocca, Proos, Robertson, Pappageorge, Marleau, Gregory, Young and Hildenbrand introduced

Senate Bill No. 229, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

Senators Marleau, Robertson, Kowall, Emmons, Jones, Hune, Pappageorge and Schuitmaker introduced
Senate Bill No. 230, entitled

A bill to provide immunity from liability for personal injury and property damage to individuals providing driving services without compensation to certain individuals.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

House Bill No. 4113, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 159, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2002 PA 472.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 160, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: Senator Bieda

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 161, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2010 PA 132.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 163, entitled

A bill to amend 1963 PA 247, entitled "An act to define the term "newspaper" as used in the statutes of this state regarding publication of notices," by amending section 1 (MCL 691.1051); and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 164, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2133 (MCL 324.2133), as added by 1995 PA 60.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 1, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Finance reported

Senate Bill No. 118, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 2004 PA 173.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 126, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2008 PA 439.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 127, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 2, 2011, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

The Committee on Education reported

House Bill No. 4214, entitled

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the modification or termination of contracts under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons, Colbeck and Hopgood

Nays: Senator Young

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4216, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4217, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4218, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, March 2, 2011, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

The Committee on Reforms, Restructuring and Reinventing reported

Senate Concurrent Resolution No. 9.

A concurrent resolution to reject the proposed increase in rates of compensation recommended by the Civil Service Commission and contained in the Executive Budget for fiscal year 2011-2012 relative to the extension of health benefits to adults and their dependents living with but not related to a classified employee.

(For text of resolution, see Senate Journal No. 17, p. 216.)

With the recommendation that the following substitute (S-2) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to reject the proposed increase in rates of compensation recommended by the Civil Service Commission and contained in the Executive Budget for fiscal year 2011-2012 relative to the extension of health benefits to adults and their dependents living with but not related to a classified employee.

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* provides that increases in rates of compensation in the state classified services authorized by the Civil Service Commission require prior notice to the Governor. *The Constitution of the State of Michigan of 1963* also requires that the Governor transmit such increases to the Legislature as part of the Governor's budget; and

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* reads, in part, as follows:

"Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission."

; and

Whereas, The Civil Service Commission has approved letters of understanding for certain bargaining units that would allow represented employees in the classified civil service who do not have an eligible spouse to enroll one unrelated adult and that adult's dependents in the State Health Plan, provided that certain criteria are met. The Commission also adopted a rule providing the same option to nonexclusively represented employees. The Governor's proposed budget for fiscal year 2012, transmitted to the Legislature, contains the Commission's recommended increase in the rate of compensation; and

Whereas, The Chief Deputy Attorney General has opined in a February 16, 2011, letter that the term "compensation" in Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, includes fringe benefits, such as health care benefits. The Chief Deputy Attorney General has also opined that the Commission's decision allowing classified employees to enroll an additional adult and their dependents into the State Health Plan constitutes an increase in the rate of compensation that may be rejected or reduced by the Legislature within 60 days of transmission of the budget by a two-thirds vote of the members elected to and serving in each house of the Legislature; and

Whereas, Michigan's hardworking families and private sector employees have faced layoffs, pay cuts, loss of benefits, and other employment concessions. Between 2000 and 2009, compensation of the average private sector worker fell 13 percent while it increased 19 percent for state government employees; and

Whereas, The average annual compensation of state employees (including salary, wages, and benefits) was significantly higher than the average annual compensation of private sector workers in 2009. The average state worker gets \$53,453 in salary, \$31,623 in fringe benefits each year, and it costs the state \$13,000 per employee for group insurance (medical, dental, vision, life, and long-term disability); and

Whereas, Over the last ten years, Michigan has lost more than 830,000 jobs, and the annual median household income has dropped by \$12,000; and

Whereas, Based on the January Consensus Revenue Estimate, Michigan faces a potential budget deficit of \$1.4 billion for fiscal year 2011-2012. The extension of state-funded health benefits to unrelated adults and their dependents is applicable to over 32,000 state employees and is estimated to cost \$8 million in the first year alone. Given the facts above, now is not the time to approve a generous expansion of fringe benefits to state employees; and

Whereas, The Governor has urged the Legislature to exercise its right and reject the extension of health care benefits to unrelated live-in companions of state employees and their dependents; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, hereby rejects the Civil Service Commission's decision allowing classified employees who do not have an eligible spouse to enroll one unrelated adult and that adult's dependents in the State Health Plan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Civil Service Commission.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Kowall and Robertson

Nays: Senators Young and Warren

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, March 2, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Kowall, Robertson, Young and Warren

Excused: Senator Casperson

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 98, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2882a.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca, Nofs and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:
Meeting held on Wednesday, March 2, 2011, at 3:05 p.m., Room 210, Farnum Building
Present: Senators Emmons (C), Rocca, Nofs and Gregory

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:
Joint meeting held on Tuesday, March 1, 2011, at 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Proos (C), Walker and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:
Meeting held on Wednesday, March 2, 2011, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:
Meeting held on Wednesday, March 2, 2011, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schuitmaker (C), Walker and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Community Health submitted the following:
Meeting held on Wednesday, March 2, 2011, at 1:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Moolenaar (C), Caswell, Booher and Gregory

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture and Rural Development - Tuesdays, March 8 and March 15, 3:00 p.m., Room 210, Farnum Building (373-2768)

Community Health Department - Wednesdays, March 9, 3:00 p.m., March 16 and March 23, 1:00 p.m., Rooms 402 and 403, Capitol Building; and April 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

General Government - Tuesdays, March 8, March 15, March 22 and April 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesdays, March 9, 3:30 p.m., Room 100, Farnum Building; March 16, March 23 and March 30, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education and Education, House Education and School Aid Appropriations Subcommittee - Wednesday, March 9, 3:00 p.m. or later after committees are given leave to meet by the House, House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Wednesdays, March 9, March 16, March 23 and April 13, 3:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Education and K-12, School Aid, Education Appropriations Subcommittee, House Education and School Aid Appropriations Subcommittee - Wednesday, March 9, 3:00 p.m. or later after committees are given leave to meet by the House, House Appropriations Room, 3rd Floor, Capitol Building (373-5314)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:39 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, March 8, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

